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**UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA**

UNITED STATES OF AMERICA,

Plaintiff,

v.

DUSTIN M. LEWIS,

Defendant.

Case No.: 2:17-CR-00391-APG-VCF

**Stipulation To Vacate And Continue  
Sentencing Hearing And  
Order**

**(Second Request)**

**Certification: This Pleading is Timely Filed**

The undersigned parties respectfully submit the following Stipulation and Proposed  
Order for the Court's consideration.

1 IT IS HEREBY STIPULATED AND AGREED, by and between the undersigned  
2 parties, that the Rule 32 sentencing hearing presently set for **August 18, 2020** be **vacated and**  
3 **continued** for **no less than 90 days** from the date of this stipulation, to a date and time  
4 convenient for the Court.

5 The parties further stipulate that the requested continuance is warranted for the following  
6 reasons:

7 1. On April 2, 2020, the Court set this matter for a Rule 32 sentencing hearing at  
8 2:00 p.m., on **August 18, 2020**. ECF No. 86.

9 2. On March 30, 2020, the Chief Judge for the District of Nevada entered  
10 Temporary General Order 2020-05, regarding Authorization for Video and Teleconferencing  
11 Under the CARES Act And The Exigent Circumstances Created By COVID-19 And Related  
12 Coronavirus (hereinafter "General Order"). On June 25, 2020, the General Order was extended  
13 through September 28, 2020.

14 3. The General Order addresses the material effect upon the functioning of the Court  
15 brought on by the current state of emergency arising from the COVID-19 and Coronavirus  
16 pandemic, finding, among other things, that for the duration of the General Order, in-person  
17 Rule 32 felony sentencing hearings cannot be conducted in the District of Nevada without  
18 seriously jeopardizing public health and safety. The General Order further provides that Rule 32  
19 sentencing hearings may, with the consent of the defendant (upon advice of counsel), proceed by  
20 video or teleconference in individual cases, provided that the presiding Court specifically finds  
21 that to delay the matter further will cause serious harm to the interests of justice. *See also* CARES  
22 Act, H.R. 748, Public Law No. 116-136.

1           4.       The defendant desires an in-person Rule 32 sentencing hearing and the parties  
2 agree that further delay to accommodate an in-person hearing will not cause serious harm to the  
3 interests of justice. Accordingly, a continuance of the Rule 32 sentencing hearing for a period of  
4 at least 90 days from June 23, 2020 – which is outside the duration of the General Order – is  
5 appropriate.

6           5.       Defendant is not in custody and agrees to the proposed continuance.

7           6.       This is the second request for continuance of the Rule 32 sentencing hearing.

8           **WHEREFORE**, the parties respectfully request that the Court accept this Stipulation and  
9 enter an Order vacating the current setting of **August 18, 2020**, for the Rule 32 sentencing  
10 hearing, and continuing the hearing to a date and time convenient to the Court but **not less than**  
11 **90 days** from August 6, 2020. The parties attach a Proposed Order for the Court's consideration.

12           **DATED** this 6th day of August, 2020.

13                               Respectfully submitted,  
14                               NICHOLAS A. TRUTANICH  
                                     United States Attorney

15                               /s/ Steven W. Myhre  
16                               STEVEN W. MYHRE  
                                     Assistant United States Attorney  
17                               PATRICK BURNS  
                                     Trial Attorney  
                                     U.S. Department of Justice, Tax Division

18                               /s/ Kendelea L. Works  
19                               PETER S. CHRISTIANSEN  
20                               KENDELEE L. WORKS  
                                     Counsel for Defendant Dustin M. Lewis

**UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA**

UNITED STATES OF AMERICA,

Plaintiff,

v.

DUSTIN M. LEWIS,

Defendant.

No. 2:17-CR-00391-APG-VCF

**ORDER**

This matter coming on the parties' Stipulation to Continue Rule 32 Sentencing Hearing, the Court having considered the premises therein, and good cause showing, the Court accepts the Stipulation of the parties and finds as follows:

1. The parties agree to the continuance requested in the Stipulation;
2. Defendant is not in custody and does not object to the continuance;
3. The Court adopts and incorporates herein in full, District of Nevada, Temporary General Order 2020-05 of March 30, 2020 (extended on June 25, 2020), regarding Authorization for Video and Teleconferencing Under the CARES Act And The Exigent Circumstances Created By COVID-19 And Related Coronavirus (hereinafter "General Order"), including the finding that in light of the current state of emergency brought on by the COV-19 pandemic, and during the time the General Order is in effect, the Court cannot conduct an in-person Rule 32

1 sentencing hearing without serious risk to the health and safety of the public and the parties  
2 involved in this matter;

3 4. The defendant desires an in-person Rule 32 sentencing hearing and no facts have  
4 been presented to the Court to show that further delay of the hearing will seriously harm the  
5 interests of justice in this case;

6 5. The General Order is in effect until September 28, 2020. Accordingly, pursuant to  
7 the Stipulation, the Court will continue and set the date for Rule 32 sentencing hearing for **no**  
8 **less than 90 days** from August 5, 2020.

9 **IT IS THEREFORE ORDERED:**

10 1. The Rule 32 sentencing hearing set for **2:00 p.m., August 18, 2020**, is  
11 **VACATED** and **CONTINUED**;

12 2. The Rule 32 sentencing hearing in this matter will commence on **October 28,**  
13 **2020 at 9:30** in Courtroom 6C.

14 **IT IS SO ORDERED** this 7th day of August, 2020.

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ANDREW P. GORDON  
17 UNITED STATES DISTRICT JUDGE  
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